

REMARKS

Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claim 61 stand rejected under 35 U.S.C. § 112, first paragraph.

Claims 35-47 and 49-60 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 34-67 stand rejected under 35 U.S.C. § 103(a) based on U.S. Patent no. 6,510,479 of Hao ("Hao") in view of U.S. Patent no. 6,574,734 of Colson et al. ("Colson").

Summary of Amendments

Claim 61 has been amended herein. No claims have been canceled or added in this amendment. No new matter has been added.

Discussion of Rejections

Section 112, First Paragraph Rejection

Claim 61 was rejected as presenting only a single means for performing certain functionality. Applicant has amended claim 61 so that it now recites more than one "means for" element. Accordingly, the rejection is thought to be moot, and its withdrawal is respectfully requested.

Section 112, Second Paragraph Rejection

The Office Action alleges that claims 35, 49 and 54 are not dependent on a claim that was previously set forth. That is incorrect. Applicant is not aware of any requirement that a dependent claim depend on a claim that has a numerically lower number even if that claim's dependency is changed after the claim is initially presented.

In the amendment filed on 2/20/2007, claim 35 was amended to depend on then-newly-added claim 66, and claims 49 and 54 were amended at that time to depend on then-newly-added claim 65.

As such, there is no confusion or ambiguity regarding the dependency of these claims. Therefore, the rejection is believed to be incorrect, and its withdrawal is respectfully requested.

Section 103 Rejection

The cited references do not disclose or suggest a method or apparatus for communicating information between Internet protocol (IP) hosts over a controller area network (CAN) bus within a vehicle by encapsulating an IP message in a CAN protocol message, either individually or in combination. Although Applicants arguments here are directed to the cited *combination* of references, it is necessary to consider their individual disclosures, in order to ascertain what combination, if any, could be made from them.

The Office admits that Hao does not disclose that communication is performed by encapsulating a packet in a CAN protocol message. Applicant would like to further point out that, in fact, Hao also does not disclose encapsulating an IP message in any other type of message.

The Office, however, cites Colson as providing the disclosure that is admitted to be missing from Hao. In particular, the Office cites Colson at col. 5, lines 27-39 and col. 6, lines 29-37 (Office Action, page 4) and points to Colson's disclosure of encapsulation.

However, the citation of Colson is inapposite. The cited disclosure in Colson relates to "encapsulation" *in an object-oriented programming sense* (e.g., JavaBeans), *not* in a network communication sense, and *not* encapsulation of network messages.

Colson has nothing to do with encapsulation of *messages* for communication on a data network. It appears the Examiner has merely searched for a reference that includes the term "encapsulate" (or variations of it) and cited Colson as such a reference without regard to the context in which the term is used. Encapsulation in an object-oriented programming sense is not the same thing as, and in fact has nothing to do with, encapsulation in a data network communication sense. Colson does not disclose or even hint at encapsulation of one type of message in another type of message, as in the present invention.

Therefore, no combination of Hao and/or Colson discloses or suggests all of the limitations of the present invention. All of the independent claims include at least a limitation substantially similar to that mentioned above. Therefore, the rejection is believed to be in error, and its withdrawal is respectfully requested.

Applicants have not necessarily discussed here every reason why every pending independent claim is patentable over the cited art; nonetheless, Applicants are not waiving any argument regarding any such reason or reasons. Applicants reserve the right to raise any such additional argument(s) during the future prosecution of this application, if Applicants deem it necessary or appropriate to do so.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

Application No. 10/731,572
Reply to Office Action of February 20, 2009

Docket No.: 384188001US1

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2207, under Order No. 384188001US1 from which the undersigned is authorized to draw.

Dated: May 20, 2009

Respectfully submitted,

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